

## **Appendix D - Basic Outline of a Federal Mitigation Banking Instrument**

# **OUTLINE OF A FEDERAL MITIGATION BANKING INSTRUMENT**

## **Jacksonville District Corps of Engineers**

### **COVER PAGE**

- ☐ Purpose of the document.
- ☐ Title of document and official name of bank.
- ☐ List of signatories.
- ☐ Effective date.

### **I. PREAMBLE**

- ☐ Purpose of bank and its relationship to Corps (or NRCS) and state regulatory programs.
- ☐ Project description (Bank size and classes of wetlands and/or other aquatic resources).
- ☐ Location and size of bank, ownership, and identity of bank sponsor.
- ☐ Baseline conditions.
- ☐ Establishment and use of credits.
- ☐ Type of bank (e.g. single client, general use, joint-project proprietary); identity of sponsor.
- ☐ Makeup, role, and responsibility of the MBRT.
- ☐ List of exhibits, including all appropriate supporting technical plans and documents.

### **II. ESTABLISHMENT OF THE BANK**

- ☐ Mitigation Plan (Description of work to be done).
- ☐ Implementation timetable.
- ☐ Type of real estate interest to be secured by the sponsor.
- ☐ Financial assurances to be secured by the sponsor.
- ☐ As-built reports.

### **III. OPERATION OF THE BANK**

- ☐ Service area.
- ☐ Types of projects or activities that may use the bank.
- ☐ Assessment methodology.
- ☐ Success criteria.
- ☐ Procedures for release of financial assurance.
- ☐ Schedule of credit availability.
- ☐ Provisions for site audits by MBRT.
- ☐ Conditions on debiting.
- ☐ Provisions covering use of the land (incompatible activities), transfer of ownership of the bank lands and/or easements.

#### **IV. MAINTENANCE AND MONITORING**

- ☐ Maintenance provisions (brief description of maintenance activities, maintenance periods, duration, responsibility of long-term maintenance and preservation of bank in perpetuity).
- ☐ Monitoring provisions (monitoring methods, frequency, period).
- ☐ Reports and record keeping.
- ☐ Accounting procedure.
- ☐ Contingency plans/remedial actions.
- ☐ Long-term management responsibilities.

#### **V. RESPONSIBILITIES OF MBRT**

- ☐ Oversight.
- ☐ Review of reports.
- ☐ Compliance inspections.

#### **VI. OTHER PROVISIONS**

- ☐ Force majeure clause (identification of catastrophic events beyond sponsor's control).
- ☐ Dispute resolution.
- ☐ Provisions pertaining to validity, modification, and termination of the Banking Instrument.

#### **VII. DEFINITION OF TERMS**

#### **VIII. SIGNATURE PAGE**